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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,228	12/19/2005	Lars Ake Naslund	027651-286	6147

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EXAMINER

FAYYAZ, NASHMIYA SAQIB

ART UNIT	PAPER NUMBER
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2856

NOTIFICATION DATE	DELIVERY MODE
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03/18/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/561,228	Applicant(s) NASLUND ET AL.	
	Examiner Nashmiya S. Fayyaz	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/19/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 5-8, 11-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hilgner et al-US Patent # 4,367,650. As to claim 1, Hilgner et al disclose a fixture for mounting a vibration sensor through the wall of housing (7) including a first component (collet holder 11 with rings 13 and 12) for holding the sensor (probe tube 3 with transducer 2), second component (mounting plate 17) with first sealing surface (bottom groove within which sealing ring 18 resides) and opening (unnumbered) with , where sensor (3/2) communicates with machine part 1 within the housing 7, envelope surface via inner sealing ring 18 tightly seal to sensor (3/2) when pressing together the components via screws 15 sealing together first sealing surface (bottom groove with ring 18) of plate 17 with

second sealing surface (top of housing 7), see fig. 1 and col. 2, lines 28-68. As to claim 3, note sealing means (ring 18). As to claim 5, the opening appears to be rectangular in cross-sectional "form" as the view in fig. 1 depicts. As to claim 6, the opening in housing appears to be circular "form" given the fig. 2 depiction. As to claim 7, there appears to be a groove in plate 17 for sealing "ring" 18 which would imply a circular form. As to claim 8, as best understood, a first portion (collar 19) is provided with a central groove to receive a portion of the sensor. As to claims 11, 13 and 17, note fastening means (screws 15). As to claim 12, note further fastening means (tapped holes 16).

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tow- US Patent # 6,575,048. As to claim 1, Tow disclose a sensor positioning assembly including a sensor 20 in communication with the inside of a housing (housing body 40) including a first component (fastening member 80'), second component (adapter 70') with first sealing surface (groove 98) and opening (inner radial surface 86), a portion (probe end 50) adapted to extend into housing through adapter 70', where annular seal 100 in groove 98 seals against second surface (64), see figs. 3 and 4 and col. 5, lines 55 et seq. As to claim 2, note the bottom of the adapter 70' appears to be at least frustoconical and a seal 101 is provided extending into the frustoconically shaped adapter 70'. As to claim 3, note seal 100. As to claims 4 and 15, seal 100 is an O-ring made of rubber and seal 101 is a gasket of fiberboard which would be "compressible", see col. 4,

lines 46-56. As to claim 5 and 6, the opening in the component appears to be rectangular in cross-section as depicted in fig. 4 and the opening in the housing appears to be circular as depicted from the top. As to claim 7, note groove 98 with O-ring 100. As to claims 8 and 9, note a first portion (surface 86) appears to be provided with an inward groove. As to claim 10, note second portion (threading 118) of fastener 80'. As to claim 11, note fastening means (threading 118). As to claim 12, note threading 86 for fastening to adapter and member 80' and ultimately to housing 40 via threading 118. As to claims 13, 16 and 17, note fastening member 80' has threading and thereby forms a screw joint. As to claim 14, note the fig. 3 depiction has a portion of adapter 70' which appears to be conical.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to claim 1, it appears the sensor and sensor holder combination is being claimed rather than just the holder. In claim 2, what does "at least frusto conical" mean? In claim 4, the recitation of "such as" is indefinite since it is unclear if the claim is limited to an "O-ring" or not.

In claim 6, "the throughgoing opening in the housing" lacks antecedent basis. In claim 8, it is unclear what a "first portion" further limits of claim 1.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashmiya S. Fayyaz whose telephone number is 571-272-2192. The examiner can normally be reached on Mondays and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. S. F./
Examiner, Art Unit 2856
/Hezron Williams/
Supervisory Patent Examiner, Art Unit 2856